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106TH CONGRESS
1ST SESSION

H. R. 2618

To amend title XVIII of the Social Security Act and title IV of the Balanced Budget Act of 1997 to eliminate the 15 percent reduction in payment amounts to home health agencies furnishing home health services under the medicare program, and to provide for a 36-month grace period for home health agencies to repay overpayments made by the Secretary of Health and Human Services.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1999

Mr. ACKERMAN (for herself, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. BAKER, Mr. COBURN, Mr. COOK, Mr. CROWLEY, Mr. FORBES, Mr. FROST, Mr. GILCHREST, Mr. GOODE, Mr. HALL of Texas, Mr. HILLIARD, Mr. HINCHEY, Ms. KAPTUR, Mrs. KELLY, Mr. KING, Ms. LEE, Mrs. MALONEY of New York, Mr. MASCARA, Mr. MCHUGH, Mr. MCNULTY, Ms. MILLENDER-MACDONALD, Mr. NADLER, Mr. NEY, Mr. RAHALL, Mr. ROMERO-BARCELÓ, Mr. SANDERS, Mr. SERRANO, Ms. SLAUGHTER, Mr. TOWNS, Mr. WALSH, Mr. WEINER, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisons as fall within the jurisdiction of the committee concerned

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A BILL

To amend title XVIII of the Social Security Act and title IV of the Balanced Budget Act of 1997 to eliminate the 15 percent reduction in payment amounts to home health agencies furnishing home health services under the medicare program, and to provide for a 36-month grace period for home health agencies to repay overpay-

ments made by the Secretary of Health and Human Services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Home Health Improvement Act of 1999".

SEC. 2. ELIMINATION OF AUTOMATIC 15 PERCENT REDUCTION IN PAYMENT LIMITS.

(a) PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 1895(b)(3) of the Social Security Act (42 U.S.C. 1395fff(b)(3)) is amended—

(A) in subparagraph (A)(i), by striking "but if the reduction in limits described in clause (ii) had been in effect";

(B) by striking clause (ii); and

(C) in subparagraph (A)(i), by striking (i) IN GENERAL.—" and adjusting the margin accordingly.

(2) CONFORMING AMENDMENT.—Section 1895(d)(3) of such Act (42 U.S.C. 1395fff(d)(3)) is amended by striking "(including the reduction described in clause (ii) of such subsection)".

(b) INTERIM PAYMENT SYSTEM.—Section 4603 of the Balanced Budget Act of 1997 (Public Law 105–33),

as amended by section 5101(c)(3) of the Tax and Trade Relief Extension Act of 1998 (Public Law 105–277), is amended by striking subsection (e).

SEC. 3. OVERPAYMENTS.

(a) 36-MONTH REPAYMENT PERIOD.—In the case of an overpayment by the Secretary of Health and Human Services to a home health agency for home health services furnished during a cost reporting period beginning on or after October 1, 1997, as a result of payment limitations provided for under clause (v), (vi), or (viii) of section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)), the home health agency may elect to repay the amount of such overpayment over a 36-month period beginning on the date of notification of such overpayment.

(b) INTEREST ON OVERPAYMENT AMOUNTS.—

(1) 36-MONTH GRACE PERIOD.—

(A) IN GENERAL.—In the case of an agency that makes an election under subsection (a), no interest shall accrue on the outstanding balance of the amount of overpayment during such 36-month period.

(B) OVERDUE BALANCES.—In the case of such an agency, interest shall accrue on any outstanding balance of the amount of overpay-

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ment after termination of such 36-month period. Interest shall accrue under this subparagraph at the rate of interest charged by banks for loans to their most favored commercial customers, as published in the Wall Street Journal on the Friday immediately following the date of the enactment of this Act.

(2) OTHER AGENCIES.—In the case of an agency described in subsection (a) that does not make an election under subsection (a), interest shall accrue on the outstanding balance of the amount of overpayment at the rate described in the second sentence of paragraph (1)(B).

(c) TERMINATION.—No election under subsection (a) may be made for cost reporting periods, or portions of cost reporting periods, beginning on or after the date of the implementation of the prospective payment system for home health services under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(d) EFFECTIVE DATE.—The provisions of subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

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